

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES L. HOLLINGHEAD and	:	CIVIL ACTION NO. 1:12-CV-260
MARK SIMPSON,	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
CITY OF YORK, PENNSYLVANIA	:	
YORK SEWER AUTHORITY, and	:	
MONACACY VALLEY ELECTRIC, INC.,	:	
Defendants	:	

ORDER

AND NOW, this 11th day of July, 2013, upon consideration of the Report and Recommendation of United States Magistrate Judge Martin C. Carlson (Doc. 48), recommending that Monacacy's motion to dismiss the amended complaint (Doc. 42) be granted with prejudice, and, following an independent review of the record, and noting that Plaintiff filed objections¹ to the report (Doc. 51) on June 20, 2013, and the court finding Magistrate Judge Carlson's analysis to be thorough and well-reasoned, and the court finding the objections to be without merit and squarely addressed by Magistrate Judge Carlson's report (Doc. 48), it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Judge Carlson (Doc. 48) are ADOPTED.
2. Monacacy's motion to dismiss the amended complaint (Doc. 42) is GRANTED with prejudice. The Clerk of Court is directed to defer the entry of judgment until the conclusion of these proceedings.
3. The litigation shall proceed with the remaining parties.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge